

APPEAL NO. 040319
FILED APRIL 5, 2004

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on January 12, 2004. The hearing officer determined that the respondent (claimant) sustained a compensable injury on _____, and that he had disability from October 11 and continuing through November 30, 2003. The appellant (self-insured) appeals, contending that the hearing officer's decision is not supported by the evidence and is against the great weight of the evidence. The appeal file does not contain a response from the claimant.

DECISION

Affirmed.

It is undisputed that the claimant sustained an injury while on the self-insured's premises while playing basketball. The self-insured contends that the claimant was not in the course and scope of his employment at the time he injured his knee while playing basketball. It is the self-insured's contention that the claimant was not on break at the time of the injury, and that the activity of playing basketball while on duty was a violation of policy. The self-insured argues that since there was no compensable injury, there can be no disability. The claimant contended that he was on break at the time of the injury, and that although his participation in the activity was voluntary, it was organized by his superior.

We conclude that the hearing officer did not err in determining that the claimant was in the course and scope of his employment at the time of the injury. See Texas Workers' Compensation Insurance Fund v. Rodriguez, 953 S.W.2d 765 (Tex. App.-Corpus Christi 1997, pet. denied); Texas Workers' Compensation Commission Appeal No. 010564, decided April 19, 2001, and cases cited therein. We have reviewed the complained-of determinations and conclude that the issues involved fact questions for the hearing officer. The hearing officer reviewed the record and decided what facts were established. We conclude that the hearing officer's determinations regarding injury and disability are supported by the record and are not so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **(a self-insured governmental entity)** and the name and address of its registered agent for service of process is

**MAYOR
(ADDRESS)
(CITY), TEXAS (ZIP CODE).**

Daniel R. Barry
Appeals Judge

CONCUR:

Chris Cowan
Appeals Judge

Robert W. Potts
Appeals Judge